

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

MARCUS DEWAYNE CHAMBERS,	§	
TDCJ-CID NO. 1758922,	§	
	§	
Petitioner,	§	
	§	
v.	§	CIVIL ACTION NO. H-13-1243
	§	
STATE OF TEXAS,	§	
	§	
Respondent.	§	
	§	

**MEMORANDUM OPINION AND ORDER**

The petitioner in the above-styled cause has not responded to this court's Notice of Deficient Pleading of May 1, 2013, which required the petitioner to submit an amended petition and a fee of \$5 or an application to proceed as a pauper within thirty days. See Notice of Deficient Pleading, Docket Entry No. 5. The Notice specifically stated, "If the petitioner fails to comply on time, the court may dismiss this case for want of prosecution." Id. The petitioner's failure to pursue this action forces this court to conclude that he lacks due diligence.

Therefore, under the inherent powers necessarily vested in a court to manage its own affairs, the court concludes that dismissal for want of prosecution is appropriate. See FED. R. CIV. P. 41(b); Link v. Wabash R.R., 82 S.Ct. 1386 (1962); Woodson v. Surgitek, Inc., 57 F.3d 1406, 1417 (5th Cir. 1995); see also Larson v. Scott, 157 F.3d 1030 (5th Cir. 1998) (noting that a district court may

dismiss an action sua sponte for failure to prosecute or to comply with any court order).

Accordingly, it is hereby **ORDERED** that this action be **DISMISSED without prejudice** for want of prosecution.

The Clerk shall provide copies of this Memorandum Opinion and Order to the parties.

**SIGNED** at Houston, Texas, on this 26<sup>th</sup> th day of June, 2013.

  
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SIM LAKE  
UNITED STATES DISTRICT JUDGE